

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-32 are pending in this application. The amendments to the specification requested in Applicant's Amendment of January 25, 2006 are reproduced above because they were not entered subsequent to the Amendment's filing.

**Objections to the Specification:**

Applicant's amendments to the specification allegedly are unclear and inconsistent with the MPEP, and thus were not entered. For example, the Office Action asserts that MPEP §§608.01(c) and (d) respectively require the headings "Background of the Invention" and "Summary of the Invention." Applicant respectfully traverses this objection.

Applicant notes that there is nothing in either of these sections of the MPEP that requires such specific section headings. MPEP §608.01(a) lists the application elements in the order in which they should appear. Moreover, Form Paragraph 6.01 indicates that "[t]he . . . guidelines illustrate the *preferred* layout for the specification of a utility application. These guidelines are *suggested* for the applicant's use" (emphasis added). In any case, the MPEP sets forth permissive guidelines rather than absolute requirements, and the labels thus are merely suggested guidelines of preferred layouts. As such, withdrawal of this objection and entry of the amendments to the specification are respectfully requested.

**Objections to the Claims:**

Claims 1, 7, 13, 16, 19, 22, 27, and 30 were objected to as allegedly including unclear language. This objection is respectfully traversed. Without acquiescing to the

propriety of the objection recited in the Office Action, Applicant has amended the claims to improve the forms thereof. Thus, Applicant respectfully requests that this objection be withdrawn.

**Rejections Under 35 U.S.C. §112:**

Claims 1, 7, and 27 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite and under 35 U.S.C. §112 as allegedly reciting claim limitations without antecedent basis. These rejection are respectfully traversed. Specifically, without acquiescing to the propriety of the rejections, Applicant has amended claims 1, 7, and 27 to improve the forms thereof. Thus, Applicant respectfully requests that these objections be withdrawn.

Claims 1, 7, 16, and 25-27 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed. Support for the limitations of claims 1, 7, and 27 can be found, for example, in FIGS. 4-6, which clearly show the credits requested, credits approved, credits rejected, and credits pending, broken down by marketing activity. The textual description of the general scheme for awarding credits on pages 8-9 of the original specification, as well as the textual descriptions corresponding to FIGS. 4-6 on pages 11-12, make clear that Applicant was in possession of the claimed invention, as required by §112, first paragraph. Accordingly, Applicant respectfully requests that this rejection be withdrawn with respect to claims 1, 7, and 27.

With respect to claim 16, Applicant notes that the term “first credit” is merely meant to distinguish one particular type of credit from another. The specification describes a plurality of credits (e.g. requested credits, approved credits, pending credits,

etc.) and thus inherently supports differentiation of such credits. Thus, based at least on the same portions cited above with respect to the rejections of claims 1, 7, and 27, the specification includes support for a generic “first credit.” Accordingly, Applicant respectfully requests that this objection be withdrawn with respect to claim 16.

With respect to claims 25 and 26, Applicant notes that FIGS. 8-10 show how different credits can be earned during specific time windows. A user can select a time period, for example, by changing the “Select a Plan Year” drop down box of FIG. 8 or navigating through the calendar of FIG. 9. The accompanying descriptions on pages 13-14 of the original specification provide additional support. Thus, Applicant respectfully requests that this rejection be withdrawn with respect to claims 25 and 26, as at least the cited portions of the specification and figures indicate that the Applicant was in possession of the claimed invention.

**Rejections Under 35 U.S.C. §102:**

Claims 1-4, 7-10, and 27 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Acer America’s “Channel Forum” website (hereinafter “the Channel Forum website”). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found in the reference, either expressly or under the principles of inherency. Each element of the claimed invention is not found in the Channel Forum website. For example, generating a webpage displaying at least the amount of credit and/or the amount of approved credit as required by claim 1 is not found in the Channel Forum website. Claim 7 requires receiving a request from the seller to display, via the webpage, at least the amount of credit and/or an amount of approved credit. Similarly, claim 27 requires generating a

webpage displaying the amount of credit and/or an amount of currently available credit. The Channel Forum website fails to disclose these limitations of claims 7 and 27, and their dependents.

Instead of providing a webpage for displaying various amounts of credit available to the seller for its marketing activities, the Channel Forum website states that “Statements are mailed quarterly to each reseller directly” (page 3). While page 3 of the Channel Forum website discloses information relating to a marketing program such as accrual rates, the Office Action fails to appreciate the difference between accrual rates and amounts of credits. The presence of accrual rates does not disclose the above-noted claim limitations. The claims require various *amounts* of credits to be displayed, not the various *rates* at which credits may be accrued. Notwithstanding the differences between the amount of credits, the total amount of credits, and the amount of approved credits, the Channel Forum website simply does not teach displaying any amounts. Rather, it merely shows the rates at which credits can be earned.

With respect to the Channel Forum website’s explicit statement, “Statements are mailed quarterly to each reseller directly,” it is clear that conventional mail is not a webpage. There simply is no teaching or suggestion that amounts of credits are made available on generated webpages. That information regarding accrual rates is “definitely presented on the Channel Forum website on Page 3” as the Office Action alleges is immaterial to the invention defined by the claims. Simply stated, merely displaying accrual rates in any medium does not disclose displaying amounts of credits on a webpage. A contrast of Fig. 3 of the present application showing accrual rates for products (e.g., 3% accrual rates for CGB) with Fig. 2 of the present application showing

amounts of accruals emphasizes this difference. (See also claims 3 and 9 stating “accrual rate.”)

Applicant therefore respectfully requests that the rejections under 35 U.S.C. §102 in view of the Channel Forum website be withdrawn.

**Rejections Under 35 U.S.C. §103:**

Claims 5-6, 11-26, and 28-32 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over the Channel Forum website and a series of officially noticed facts. This rejection is respectfully traversed. For substantially the same reasons as those set forth above, Applicant respectfully submits that independent claims 13, 16, 19, 22, and 30 are not rendered obvious by the prior art of record. Claims 13, 19, and 30 all require generating a web page displaying at least the total amount of credit. Claim 16 requires receiving a request from the seller to display, via the web page, at least the total amount of credit. Claim 22 similarly requires receiving a request from the seller to display, via the web page, at least the amount of credit.

Applicant reiterates that the applied prior art fails to teach or suggest displaying via a webpage any kind of information relating to any amounts of credits. While resellers may enroll electronically and view the basic terms and conditions of the program, (1) there is no information regarding amounts of credits provided, and (2) even if there were such information, it is not provided on a webpage. The only nebulous suggestion regarding amounts of credits present in the Channel Forum website is that a statement may be sent quarterly via regular mail to resellers. Thus, the only reference of substance teaches away from the claimed invention. One of ordinary skill in the art would not think to modify such a minimal suggestion, particularly since it teaches away from the claimed

invention, as the entire Channel Forum website appears to be static and appears to convey only the most basic, general information about the program.

Even submitting information is cumbersome under the techniques disclosed by the Channel Forum website, as data must be sent in a rigidly-structured, ASCII-delimited file on 3.5" diskette or via email (pages 7 and 22). Resellers are urged to generate and provide their own summary information. They are further told that questions may be addressed via telephone. These aspects of the techniques disclosed by the Channel Forum website further teach away from providing a webpage with information relevant to amounts of credits as required by the claims.

For the teachings of the Channel Forum website to be even remotely comparable to the webpage would require changes to the *way* information is gathered and reported, as well as changes in the *type* of information that is gathered and reported. As such, the Channel Forum website is inapplicable to the invention defined by the claims. Applicant submits that modifying the Channel Forum website's teachings to achieve the claimed invention would require more than ordinary skill, more than automation, and more than what can be officially noticed.

With regard to Official Notice, the MPEP states that "In limited circumstances, it is appropriate for an examiner to take official notice of facts not in the record or to rely on 'common knowledge' in making a rejection, however such rejections should be judiciously applied." *See* MPEP 2144.03. Applicant notes that the Office Action contains four officially noticed assertions, numerous series of alleged motivations for modifications, and references to products and services not of record. Applicant objects

both to the officially noticed assertions and to the over-zealous application of Official Notice in this instance.

Official Notice is taken that it is well known to report combined totals for resellers to enable the reseller to know how much the reseller received back in rebates cumulatively including any bonuses, and presenting this information to a computer for display on a website. Applicant respectfully traverses this Official Notice and requests a basis therefor. This assertion embeds several assumptions that are not at all obvious. For example, bonus credit to marketing programs as claimed are not well known and obvious, and display of the combination of bonus credit and other credit on a computer as claimed is not obvious. Even if these assumptions were true, one of ordinary skill in the art at the time of the invention would not be motivated to provide this cumulative information on a website because the Channel Forum website does not provide any information relating to the total amount of credits provided such as calculating the total credit based on bonus credit and other credit, other than that such information may exist in a quarterly-mailed paper-copy statement. Furthermore, creating a webpage a user can access to view a balance requires much more than automation. Properly applying automation to the base idea of providing information regarding the total amount of credit might result in better printing and mailing techniques, but such well-established physical techniques surely would not be replaced by computer systems and webpages. Accordingly, Applicant objects to this "Official Notice." The Channel Forum website's explicit teaching of physically mailing quarterly statements clearly teaches away from any such automation.

Official Notice is taken that it is well known to display total amounts of credit on a website as done by GE Consumer & Industrial for their distributors to show their

cumulative rebates on a monthly basis. Applicant notes that the Channel Forum website suggests the opposite conclusion by teaching that statements may be provided through ordinary mail. As such, the provision of cumulative credit for marketing activities on a website is not obvious and well known, and is speculative and arguable at best.

Accordingly, Applicant objects to this "Official Notice."

Official Notice is taken that it is well known for manufacturers to award bonuses to distributors for advertising a certain item during a predetermined time period for a predetermined price. The Office Action recites a series of examples not of record and not notoriously obvious, especially given the time of the invention. Even if this were the case, it is not obvious that such information would be made available via a computer implemented system that also ties this information to amounts of credits. Accordingly, Applicant objects to this "Official Notice."

Official Notice is taken that it is well known for a user to specify and input time periods for viewing sales and marketing reports. Even if this were the case, it is not obvious that such information would be made available via a computer implemented system that also ties this information to amounts of credits. Accordingly, Applicant objects to this "Official Notice."

Accordingly, Applicant respectfully requests that all of the rejections under 35 U.S.C. §103 in view of the Channel Forum website and Office Notice be withdrawn.



*MAIN et al.*  
*Application No. 09/972,191*  
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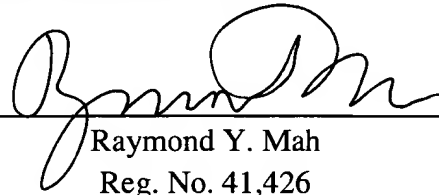
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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